
RULES AND ORDERS
ON THE
PLEA SIDE
OF THE
COURT OF KING'S BENCH.



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RULES AND ORDERS

ON THE

PLEA SIDE

OF THE

COURT OF KING'S BENCH

BEGINNING

IN EASTER TERM, 1731, AND ENDING

IN TRINITY TERM, 1795.

WITH

PREFACE AND INDEX.

LONDON :

PRINTED BY W. BULMER AND CO.

FOR J. BUTTERWORTH.

1795.

TABLES AND ORDERS

COUNT OF KING'S BENCH



TREATISE AND INDEX

LONDON:

1792.

PREFACE.

By Statute 4 Geo. II. chap. 26th, 1731, it was enacted, That all Proceedings in Courts of Justice in England should be in the English language.

Immediately, the General Rules pronounced by the Court of King's Bench, in matters regarding the Plea side of the Court, were entered in the English language into the books of the Rule Office, commencing with Easter Term, 1731 : but the Rules between party and party were not entered in English, till the 25th of March, 1733, at which date the Statute was to take effect : the use of Court

band, in these and all other law proceedings, was also discontinued from the same time.

Since the passing of this Statute, no complete collection of the Rules and Orders pronounced by the Court has been published. Some few of them indeed are to be found towards the end of the Book of Rules and Orders published in 1747 ; and some others have appeared in publications of a later date ; but all these collections are imperfect, in the number and form of the original Rules and Orders which belong to their respective periods.

The purpose of the present publication is therefore, to collect all the General Rules and Orders pronounced by the Court from the time when the Statute passed to the present time, as fully as they can be gathered, from the Records in the Rule Office, and from the several Manuscripts, and printed Books, which have come to my hands.

Beyond this : for the preservation of all

General Rules and Orders, which may hereafter be made, a Register is now expressly prepared :

As it may also afford some occasional service to the suitors of the Court, to have a ready recourse to the Rules made in particular causes, a series of Alphabetical Indexes is also preparing for all the Books of Entries, commencing from the date of the same Statute ; these Indexes are constructed upon the same principle as the Calendars for the Register Books in Chancery, but executed upon a more useful plan :

And with the same view, I have also caused all the Records and Affidavits in the custody of the Office to be sorted, and chronologically arranged, and indexed ; as they are often essentially necessary towards explaining the foundations of the Rules themselves.

The method observed in the distribution and preservation of the Original Minutes, which

have been rescued from inconceivable confusion, and are now regularly entered into books properly classed and described, was planned upon so perfect a system of order by my immediate Predecessor, that no alteration in its arrangement can, as it appears to me, add to the public convenience.

CHARLES ABBOT.

Rule Office,
Trinity Term,
35 Geo. III. 1795.

Clerk of the Rules
on the Plea side of the Court
of King's Bench.

RULES AND ORDERS
OF THE
COURT OF KING'S BENCH.

Easter Term. 4 Geo. II. 1731.

FOR as much as it is found, that the rule made in Easter term in the fifteenth year of King Charles the Second is ineffectual for the purpose thereby intended ; it is Ordered, That from and after the last day of this term, no warrant of attorney executed by any person in custody of any sheriff or other officer, for the confessing of judgment, shall be valid or of any force, unless there be present some attorney on the behalf of such person in custody, to be expressly named by him, and attending at his request, to inform him of the nature and effect of such warrant of attorney, before the same is executed ; which attorney shall subscribe his name as a witness to the due execution thereof.

Warrant of attorney for confessing judgment by person in custody not valid unless his attorney be present and witness the execution thereof.

Easter Term. 5 Geo. II. 1732.

Bail to justify within four days after notice of exception in term time or on the first day of next term after like notice in vacation.

It is Ordered, That in every action in this court, where special bail is put in, and an exception is entered against the said bail, and notice of such exception is given in writing to the defendant's attorney, the defendant shall procure his said bail to justify (if the notice be given in term time) within four days next after such notice, or shall add other bail who shall justify within the said four days: but if such exception be entered in vacation time, and notice thereof is given in like manner, the bail put in, or other additional bail, shall justify on the first day of the subsequent term.

Easter Term. 5 Geo. II. 1732.

Bail liable only for the sum sworn to, or any lesser sum recovered.

It is Ordered, That where the plaintiff declares for, or recovers, a greater sum than is expressed in the process on which he declares, the bail shall not be discharged, but be liable for so much as is sworn to, and indorsed on the said process, or for any lesser sum which the plaintiff in such action shall recover; any rule of this court to the contrary notwithstanding.

Easter Term. 5 Geo. II. 1732.

IT is Ordered, That from and after the last day of this term, every writ of scire facias (of which notice shall be given to the defendant or defendants named in such writ) shall be delivered to, or left in the office of, the sheriff to whom directed, four days before the return of such writ, exclusive of the day on which such writ is returnable; and that every first writ of scire facias, on which a nichil shall be returned, shall be delivered to, or left in the office of, the sheriff some time before the return of such writ; and that every writ of alias scire facias shall be delivered to, or left in the office of, the sheriff, four days exclusive before the return of such writ; and every sheriff shall write or indorse on every such writ, the day of the month on which the same is so delivered to him, or left in his office.

Scire facias
how long to
be left with
the sheriff
before the
return.

Sheriff to
indorse the
day when
left.

Trinity Term. 5, 6 Geo. II. 1732.

IT is Ordered, That upon all process to be sued out of this court returnable the first or second

Pleading
within what
time upon
process re-
turnable on
first or se-
cond return
of term.

return of any term, if the plaintiff declares in London or Middlesex, and the defendant lives within twenty miles of London, the declaration shall be delivered, with notice to plead within four days next after the delivery thereof; and the defendant shall plead within the same four days, without any imparlance; and in case the plaintiff declares in any other county, or the defendant lives above twenty miles from London, the declaration shall be delivered, with notice to plead within eight days next after the delivery thereof; and the defendant shall plead within the same eight days, without any imparlance: and in default of pleading as aforesaid, the plaintiff may sign his judgment; any rule of this court to the contrary notwithstanding.

Trinity Term. 5, 6 Geo. II. 1732.

Sheriff to return writ and bring in body within six days after service of rule.

WHEREAS the suitors of this court are greatly delayed in their suits, by sheriffs not duly returning writs directed to them, and in not bringing into court the bodies of defendants taken by virtue of such writs; it is Ordered, That unless every sheriff, from and after the end of this term,

shall return every writ issuing out of this court directed to him, and bring into court the body of every defendant taken by virtue of any such writ, within six days next after the service of a rule of this court upon such sheriff, or his under-sheriff, for the returning any such writ, or bringing into court the body of any such defendant, an attachment shall issue against such sheriff, without giving a day to shew cause against such attachment, as was the course of this court heretofore.

Michaelmas Term. 9 Geo. II. 1735.

WHEREAS no affidavit, sworn before a commissioner in the country, ought to be read in court, or before the master, but every such affidavit ought first to be filed, and a copy thereof made, and such copy read; it is Ordered, That all such affidavits be brought to the clerk of the rules of this court, to be filed in such convenient time, that copies of them may be duly made and delivered to the party filing the same.

Affidavits
sworn in the
country to
be filed with
the clerk of
the rules in
time for co-
pying before
read.

Michaelmas Term. 10 Geo. II. 1736.

*Declaration
by the bye
can only be
by the plain-
tiff who files
common bail
according to
the statute.*

FOR settling and declaring the practice of this court touching declaring by the bye, in cases where the plaintiff in any action or suit hath filed or shall file common bail for the defendant, pursuant to the late act of parliament for preventing frivolous and vexatious arrests; it is Ordered, That in all such cases, the plaintiff in such action or suit, wherein common bail hath been or shall be so filed as aforesaid, may deliver a declaration by the bye against such defendant, in like manner as might have been done by the ancient course of this court; but that no other person, except such plaintiff, is or shall be capable of delivering a declaration by the bye against any defendant, by reason of common bail being so filed by any plaintiff as aforesaid. And for the better distinguishing by whom common bail shall have been filed in any action or suit; it is further Ordered, That from and after the last day of this term, in all cases where common bail shall be filed by the plaintiff for the defendant by virtue of the said act, these words shall be written on the bail piece, viz.

*Common
bail filed ac-
cording to
the statute
to be
indorsed on
the bail
piece.*

" filed according to the statute," or words to the like effect.

Michaelmas Term. 10 Geo. II. 1736.

IT is Ordered, That from and after the last day of this term, upon all process to be issued out of this court returnable the first or second return of any term, where no affidavit shall be made and filed of the cause of action, pursuant to the late act of parliament for preventing frivolous and vexatious arrests, the plaintiff may deliver his declaration de bene esse at the return of such process, with notice to plead in eight days after the delivery thereof; and if the defendant doth not file common bail, and plead within the said eight days, the plaintiff (having filed common bail for such defendant according to the said act) may sign judgment for want of a plea, a rule to plead being duly entered. And it is further Ordered, That from and after the last day of this term, upon all process to be issued and made returnable as aforesaid, where an affidavit shall be made and filed of the cause of action, pursuant to the said act, the declaration may be delivered de bene esse at the

Declaration de bene esse when it may be upon process returnable the first or second return of term, and what time defendant has to plead accordingly as affidavit of the cause of action is or is not filed.

return of such process, with notice to plead in four days after such delivery, if the action is laid in London or Middlesex, and the defendant lives within twenty miles of London; and in eight days, if the action is laid in any other county, or the defendant lives above twenty miles from London; and if the defendant puts in bail, and doth not plead within such time as is respectively before-mentioned, judgment may be signed, a rule to plead being duly entered.

Michaelmas Term. 10 Geo. II. 1736.

*Declaration
Copy
to be paid
for before
defendant
plead.*

It is Ordered, That from and after the last day of this present term, in all causes depending in this court, the defendant's attorney shall receive and pay for a copy of the declaration; whether the same be delivered by the plaintiff's attorney, or left in the office, before the defendant be permitted to plead.

Trinity Term. 10, 11 Geo. II. 1737.

*Circuits.
Writ and
record to be
entered to-
gether.*

To prevent delays in the trial of causes in the circuits; it is Ordered, by all the judges of Eng-

land, that in every cause to be tried before them in their respective circuits, the writ and record shall be entered together, and that no record shall be received without the writ.

<i>W. Lee.</i>	<i>E. Probyn.</i>
<i>J. Willes.</i>	<i>J. Comyns.</i>
<i>Ja. Reynolds.</i>	<i>J. Fortescue A.</i>
<i>F. Page.</i>	<i>Wm. Thomson.</i>
<i>Alex. Denton.</i>	<i>Wm. Fortescue.</i>
<i>Law. Carter.</i>	

Trinity Term. 11, 12 Geo. II. 1738.

COMPLAINT having been made to the Lord Chief Justice of this court, by Samuel Billingsley, stationer, that several persons presume to deliver out the rolls of this court without any appointment for that purpose; it is Ordered, That from and after the end of this present Trinity term, no roll or rolls be received and allowed for by the clerk of the treasury of this court, unless the said rolls are marked with the said Samuel Billingsley's mark.

Rolls
to be delivered out
only by the
person appointed for
the purpose.

Michaelmas Term. 14 Geo. II. 1740.

Bail.
Attorney
not to be
bail.

IT is Ordered, That no attorney of this, or any other court, shall be bail in any action or suit depending in this court.

Michaelmas Term. 14 Geo. II. 1740.

Bail.
No sheriff's
officer, &c.
to be bail.

IT is Ordered, That no sheriff's officer, bailiff, or other person concerned in the execution of process, be permitted to be bail in any action or suit depending in this court.

Hilary Term. 14 Geo. II. 1740.

Circuits.
Entering
writs and
records of
nisi prius.

WHEREAS, for regulating trials by nisi prius in the circuits, an order was made by all the judges of England in Trinity term, in the tenth and eleventh years of his present Majesty, "That in every cause to be tried before them in their respective circuits, the writ and record should be entered together, and that no record should be received without the writ;" which order

hath not fully answered the intent thereof; but notwithstanding, many inconveniences do still happen to the suitors, by delaying or putting off the trials of their causes: Now, in order more effectually to prevent these inconveniences for the future;

It is Ordered, by all the judges of England, That no writ and record of nisi prius shall be received at the assizes in any county in England, unless they shall be delivered to be entered with the marshal before the first sitting of the court after the commission day; except in the counties of York and Norfolk, and there the writs and records shall be delivered to, and entered with, the marshal, before the first sitting of the court, on the second day after the commission day; otherwise they shall not be received:

And that every cause shall be tried in the order in which it shall be so entered, without any preference or delay; unless it shall be made out to the satisfaction of the judge in open court, that it is impracticable, or inconvenient, so to do; who thereupon may make such order for the trial of the cause so put off, as to him shall seem just:

Order of
trying
causes.

Lists of
causes.

And it is further Ordered, That a list of the causes, when so entered as aforesaid, shall be made by the marshal, and forthwith fixed up in some public place in the nisi prius court, there to remain during the whole time of the assizes.

<i>W. Lee.</i>	<i>W. Fortescue.</i>
<i>J. Willes.</i>	<i>T. Parker.</i>
<i>E. Probyn.</i>	<i>M. Wright.</i>
<i>F. Page.</i>	<i>Ja. Reynolds.</i>
<i>Law. Carter.</i>	<i>Tbo. Abney.</i>
<i>J. Fortescue A.</i>	

Easter Term. 15 Geo. II. 1742.

Ac etiam
to be insert-
ed in writs
or process
upon recog-
nizance of
bail.

WHEREAS, by the rules of this court in actions of debt upon any recognizance of bail on mesne process, the bail are allowed eight days in full term, after the return of the process sued out and served upon any of them, to surrender the defendant in the original action, for the discharging him or themselves from such recognizance; and whereas, by the course of the court the plaintiff suing out a writ in a plea of trespass may declare in any action he thinks fit, which may be a surprise on such bail;

This Court doth therefore Order, That from and after the last day of this term, in all such writs or process to be sued out of this court upon any such recognizance of bail, after the words "*in a plea of trespass,*" there shall be inserted the following clause, "*and also to a bill of the said plaintiff against the said defendant, in a plea of debt upon recognizance, according to the custom of our court before us to be exhibited,*" otherwise the defendant or his attorney shall not be bound to accept of a declaration in debt upon such recognizance.

Easter Term. 15 Geo. II. 1742.

WHEREAS the swearing of affidavits before commissioners authorized to take affidavits in this court, in causes wherein such commissioners are concerned as attornies for the parties on whose behalf such affidavits are made, is and hath been disallowed as irregular, which, with respect to affidavits made of the cause of action before process sued out, in order to hold the defendants to bail, hath been found inconvenient; it is Ordered, That from and after the last day of this term, all

Affidavits
to hold to bail
may be
sworn before a
commissioner
though attorney
for the plaintiff.

affidavits of any cause of action before process sued out to hold defendants to bail, may be sworn before any commissioner authorized to take affidavits in this court; although such commissioner be concerned as attorney for the plaintiff; and shall be deemed to be regularly taken.

Easter Term. 15 Geo. II. 1742.

Detainer
in custody of
the marshal
not
to be with-
out affidavit
of debt filed
with Clerk
of the Rules.

FOR preventing the detainer of prisoners, charged by declarations in the custody of the marshal of the Marshalsea of this court, where the cause of action against such prisoners does not amount to ten pounds; it is Ordered, That from and after the last day of this term, no declaration whereby any prisoner shall be charged in the custody of the marshal, shall be sufficient cause of detaining such prisoner in custody, unless an affidavit, that the plaintiff's cause of action against such prisoner does amount to ten pounds or upwards, shall be first made and filed with the clerk of the rules of this court; and the sum specified in such affidavit shall be indorsed by him, upon such declaration, before leaving thereof with the turnkey.

Michaelmas Term. 17 Geo. II. 1743.

It is Ordered, That from and after the last day of Michaelmas term, 1743, no record or writ of nisi prius be received at any sitting after term in Middlesex, unless the same shall be delivered to, and entered with, the marshal, within two days after the last day of every term :

Nisi prius
Records
when to be
delivered in
London and
Middlesex.

And that no record or writ of nisi prius be received at any sitting after term in London ; unless the same shall be delivered to, and entered with, the marshal, the day before the day to which the sittings in London shall be first adjourned :

And that every cause to be tried at nisi prius in London and Middlesex, be tried in the order in which it is entered, (beginning with remanets) ; unless it shall be made out to the satisfaction of the judge of nisi prius in open court, that there is reasonable cause to the contrary ; who thereupon will make such order for the trial of the cause so to be put off, as to him shall seem just.

Causes to be
tried in the
order they
are entered.

Hilary Term. 20 Geo. II. 1746.

*Attachment
of privilege.
A præcipe to
be left with
the signer of
the writs.*

IT is Ordered, That from and after the last day of this term, every attorney of this court who shall sue out any attachment of privilege against any defendants shall leave a præcipe with the signer of the writs, with the defendants' names, not exceeding four in each writ, with the return and day of signing such writ, with the agent's or attorney's name who sued out the same; and all such præcipes shall be entered on the roll, where the præcipes of latitats, and all other writs issuing out of this court are entered; and the officer that signs the writs in this court shall not sign such attachment till a præcipe be left with him for that purpose.

Third day of April, 1747.

*Seal office.
No blanks
to be sealed.*

WHEREAS the fees of the seal office have lately very much decreased, to the manifest prejudice of the patentee and chief justices of the respective courts of King's Bench and Common Pleas; and the same appears for some time past to be in a

great measure owing to the sealing of blank writs, several of which, after sealing them, have been made testatums, and non omittases besides other irregularities practised thereby; it is Ordered, That for the future, no printed blanks, or other writs whatsoever be sealed before the same are regularly made out and filled up.

Michaelmas Term. 30 Geo. II. 1756.

IT is Ordered, That all enlarged rules to shew cause, which were made in the last term, shall be moved before the last week of the present term; unless leave for postponing them shall be particularly applied for and granted; and this rule to prevail hereafter in all future terms in the same manner.

*Rules
Enlarged
when to be
moved.*

Michaelmas Term. 30 Geo. II. 1756.

WHEREAS divers causes, set down in the book kept by the clerk of the papers of this court to be argued by counsel, are frequently adjourned from time to time, at the instance of some or one of

*Causes for
argument
when to be
entered and
argued.*

the parties in such causes, or their attorney or agent, without any previous application or notice to the court, or by consent at the time when they should come on to be argued, which occasions a great expence and grievous delay to the parties, and is likewise an intolerable obstruction to the business of the court ; for remedy thereof for the future ; it is Ordered, That from and after the last day of this term, all special causes to be set down by the clerk of the papers of this court to be argued, shall be entered at least four days exclusive of the day of argument ; of which notice shall forthwith be given to the attorney or agent on the other side : and that all such causes shall be argued in the order and course the same stand entered, and shall not be adjourned to any future day by consent or otherwise ; unless the court shall for reasonable cause, verified by affidavit, upon application to be made by either of the said parties their attorney or agent at least two days before the day of argument, otherwise order : and it is further Ordered, That all such causes, remaining undetermined at the end of any term, shall without any new entry be continued in the books kept by the clerk of the papers, to come on the next term in the order and course the same stand.

Trinity Term. 32, 33 Geo. II. 1759.

King's Bench } This Court took into consider-
poor prisoners. } ation the petition of the poor *Higb-bar*
 prisoners confined on the common side of the pri- *money*
 son of this court, touching the money usually paid into the box upon
 into the box of this court, upon motions and affidavits how
 davits made in court, which the petitioners claim disposed of.
 as due to them ;

And, Mr. Athorpe (to whom it had been referred to examine into the matters alleged in the said petition) having this day reported to this court, " That he hath made diligent inquiry into " the premises ; and that no living witness was " upon such inquiry produced on the part of the " petitioners, who could give evidence touching " the same ; and that he had carefully inspected " all the books, papers, and writings which could " be found relative to the premises ; and that upon such inspection and inquiry, it doth not appear that the said money was ever paid to the " said poor prisoners, or for their use ;" and Mr. Clarke, secondary on the Plea side, having this day informed the court, " That during the time he

“ had been in the said office, and also during the
 “ time his late father, Mr. Giles Clarke (long since
 “ deceased) was in the same office, the said money
 “ hath been constantly paid by the secondary on
 “ the Plea side, into the hands of the junior judge
 “ of this court for the time being, in order to be by
 “ him paid over to the judges of this court in
 “ equal shares, to be disposed of by them, for such
 “ charitable purposes as they in their discretion
 “ should think proper ;” it is Ordered, That the
 said petition be rejected.

Hilary Term. 6 Geo. III. 1766.

*Rules
 Enlarged
 to be fixed
 for peremp-
 tory days
 and
 lists to be
 made thereof.*

IT is Ordered, That every rule, which shall be
 enlarged to the next subsequent term, shall be
 fixed to a particular peremptory day ; namely, the
 first five enlarged rules either on the criminal or
 civil side of the court (as they may happen) for
 the first day of the next term ; the second five for
 the second day of it ; the third five for the third
 day ; and so on, *toties quoties*, to the sixth, se-
 venth, eighth, ninth, tenth, and following days of
 such subsequent term ; and that after every term,
 there be a list made out and fixed up in the offices,

both on the crown and civil side, of the rules so enlarged, and the particular days when the respective motions are to come on; and that a copy of such lists be delivered to the judges respectively the day before the beginning of every term.

Trinity Term. 6 Geo. III. 1766.

IT is Ordered, That from and after the last day of this present Trinity term, every rule to be made for the sheriff of the county of Middlesex, and the sheriffs of London, to return writs, or bring into court the body or bodies of any defendant or defendants, be made for such sheriff and sheriffs to return such writs, and bring into court the body or bodies of such defendant or defendants, within four days next after the service thereof.

Sheriff
to return
writ, and
bring in body
within
four days after
service
of rule.

Hilary Term. 8 Geo. III. 1768.

WHEREAS, the habitations of many attornies, practising in this court, resident in and near the cities of London and Westminster, are often very

Attornies
residing in
or near London
or Westminster

to
enter their
names and
places of
abode in the
Master's
book.

difficult to be found; whereby it is impracticable duly to serve them with notices, summonses, orders, and rules, to the great delay of the proceedings in this court; for remedy thereof for the future, it is Ordered, That the Master shall forthwith cause to be prepared a proper alphabetical book, for the purposes aftermentioned; and that the same shall be publicly kept at the Master's Office in the King's Bench Walks; to be there inspected by any attorney or his clerk, without fee or reward: and that every attorney practising in this court, and residing in London and Westminster, or within ten miles of the same, shall, before the first day of the next term, enter in such book (in alphabetical order) his name and place of abode, or some other proper place within the cities of London and Westminster where he may be served with such notices, summonses, orders, and rules: and every attorney afterwards to be admitted, and practising and residing as aforesaid, shall upon his admission make the like entry: and as often as any such attorney shall change his place of abode, or the place where he may be so served with notices, summonses, orders, and rules, he shall make the like entry thereof in the said book: and that all notices, summonses, orders, and rules,

which do not require a personal service, shall be deemed sufficiently served on such attorney, if a copy thereof shall be left at the place lastly entered in such book with any person resident at or belonging to such place: and if any such attorney shall neglect to make such entry, that then the fixing up of any notice, or the copy of any summons, order, or rule, for such attorney in the said Master's office, shall be deemed a sufficient service, unless the matter be such as shall require a personal service: and it is further Ordered, That a copy of this rule shall be publicly fixed up in the said Master's office, and that another copy thereof shall be also fixed up in the chambers of each of the judges of this court.

Easter Term. 8 Geo. III. 1768.

It is Ordered, That for the future, when any prisoner surrenders or is surrendered to the custody of the Marshal in discharge of his or her bail, under the commitment shall be added, in what state the cause or causes stand at the time of such surrender; if before declaration, "the sum sworn to on the arrest;" if a declaration hath been filed

*Prisoner
surrendering
state of the
cause to be
added under
the commit-
ment.*

or delivered, then to the sum sworn to shall be also added, "*declaration filed or delivered,*" "*issue joined,*" or "*interlocutory judgment signed,*" as the case is; if after final judgment in debt, "*the debt and damages;*" in other cases, "*the quantum of the damages.*"

Hilary Term. 15 Geo. III. 1775.

*Rules
Enlarged.
Six for each
peremptory
day.*

IT is Ordered, That all rules enlarged till next term be peremptory; and that six be set down for every day; and the like in every future term.

Michaelmas Term. 17 Geo. III. 1776.

*Rules
Enlarged.
Eight for each
peremptory
day.*

IT is Ordered, That all rules enlarged till the next term be peremptory; and that eight be set down for every day; and the like in every future term.

Trinity Term. 17 Geo. III. 1777.

IT is Ordered, That attachments shall be absolute in the first instance, only in the three following cases, viz. first, for non-payment of costs on the master's allocatur; secondly, against a sheriff for not obeying a peremptory rule to return a writ, or to bring in the body; thirdly, for contempt of the court in the execution of the process of the court.

Attachment when absolute in the first instance.

Trinity Term. 19 Geo. III. 1779.

IT is Ordered, That a defendant be not allowedoyer of an original writ; and that, if he demand it, the plaintiff may proceed as if no demand had been made.

Oyer of original writ not allowed.

Trinity Term. 22 Geo. III. 1782.

IT is Ordered, That from and after the last day of this term, upon all process to be issued out of this court, returnable before the last return of any

Declaration de bene esse when it may be upon pro-

cess return-
able the last
return of
term : and
what time
defendant
has to plead
according
as affidavit of
the cause of
action is or
is not filed.

term, where no affidavit shall be made and filed of the cause of action, pursuant to the act of parliament for preventing frivolous and vexatious arrests, the plaintiff may file or deliver his declaration de bene esse at the return of such process, with notice, to plead in eight days after the filing or delivery thereof; and if the defendant doth not file common bail, and plead within the said eight days, the plaintiff having filed common bail for such defendant according to the said act, may sign judgment for want of a plea; provided that such declaration be delivered or filed, and notice thereof given four days exclusively before the end of such term, and a rule to plead be duly entered:

And it is further Ordered, That from and after the last day of this term, upon all process to be issued and made returnable as aforesaid, where an affidavit shall be made and filed of the cause of action pursuant to the said act, the declaration may be filed or delivered de bene esse at the return of such process, with notice to plead in four days after such filing or delivery, if the action be laid in London or Middlesex, and the defendant live within twenty miles of London; and in eight days if the action be laid in any other county, or

the defendant live above twenty miles from London: and if the defendant puts in bail, and doth not plead within such times as are respectively above mentioned, judgment may be signed; provided that such declaration be delivered or filed, and notice thereof given four days exclusively before the end of such term, and a rule to plead be duly entered.

Michaelmas Term. 23 Geo. III. 1782.

IT is Ordered, That from and after the last day of this present Michaelmas term, in all actions in which the plaintiff shall proceed against the defendant by special original writ, and shall recover less than the sum of fifty pounds; he shall not, on taxing costs, be allowed any more or other costs than he would be entitled to in case he had proceeded by bill; except in such actions in which he could not proceed by bill: or in which any defendant shall be actually outlawed.

Costs
in actions by
special ori-
ginal where
less than 50*l.*
recovered.

Hilary Term. 23 Geo. III. 1783.

Writs of Inquiry.

WHEREAS the writs of inquiry in the city of London and county of Middlesex are now and for several years past have been very numerous, and the present practice of executing them is attended (in the opinion of the present sheriffs) with great inconvenience and injustice to the parties, inasmuch as the writs being brought to the sheriff's office without previous notice, standing juries as well in London as the county (composed of the lowest description of men) have been appointed to try and determine the rights of the parties, by whose ignorance and sometimes influence, great injuries have been done to some of the parties; and whereas the present sheriffs have made several attempts to form and regulate fit juries upon writs of inquiry, but they cannot accomplish it on account of the irregular and uncertain manner of their being brought to the office; for remedy thereof, it is Ordered, That from and after the last day of this term, where any writ of inquiry shall be made or sued out to be executed in the city of London or county of Middlesex, a notice in writing, specifying the nature of the action, and the time and

place, when and where such writ is to be executed, shall be left at the office of the sheriff before whom such writ is intended to be executed, two days at least before the execution thereof.

Hilary Term. 23 Geo. III. 1783.

WHEREAS, a rule was made in this term respecting the executing of writs of inquiry in the city of London or in the county of Middlesex; it is Ordered, That the said rule be repealed: and it is further Ordered, That from and after the last day of this present term, where any writ of inquiry shall be made, or sued out, to be executed in the city of London or in the county of Middlesex, such writ of inquiry shall be left at the office of the sheriff before whom such writ is intended to be executed, the day before the execution thereof.

Writs of inquiry
to be left in
the sheriff's
office the day
before the
execution
thereof.

Hilary Term. 26 Geo. III. 1786.

It is Ordered, That from and after the last day of this term, in all cases where a prisoner is or

Prisoner
in custody
upon mesne
process

how
to be proceed-
ed against
and
when super-
sedeable.

shall be taken, detained, or charged in custody by mesne process hereafter returnable, issuing out of this court, and the plaintiff shall not cause a declaration against such prisoner to be delivered to such prisoner, or to the gaoler or turnkey of the gaol or prison where such prisoner is or shall be detained or charged in custody, before the end of the next term after the return of the process, by virtue whereof such prisoner is or shall be taken, detained, or charged in custody, and (unless the prisoner is or shall be in custody of the marshal) cause an affidavit to be made and filed with the clerk of the rules of this court of the delivery of such declaration, and of the time when, and the person to whom the same was delivered, before the first day of the next term after the delivery of such declaration, the prisoner shall be discharged out of custody by writ of supersedeas, to be granted by this court, or one of the judges thereof, upon filing common bail; unless, upon notice given to the plaintiff's attorney, good cause shall be shewn to the contrary: and in case of a commitment or surrender to the marshal in discharge of bail, after the return of the process and before a declaration delivered, unless the plaintiff shall cause a declaration to be delivered as aforesaid

before the end of the term next after such commitment or surrender shall be made, and due notice of such surrender given, the prisoner shall be discharged out of custody by writ of superseas, to be granted as aforesaid, upon filing common bail; unless, upon notice given to the plaintiff's attorney, good cause shall be shewn to the contrary:

And it is further Ordered, That in all cases *after a declaration delivered* as aforesaid, at the King's Bench, or any other gaol or prison, unless the plaintiff shall proceed to trial or final judgment thereupon within three terms next after such declaration delivered, if by the course of this court the plaintiff can so proceed, of which three terms the term wherein such declaration shall be delivered shall be taken to be one; or in case of a surrender in discharge of bail, after a declaration delivered, unless the plaintiff shall proceed to trial or final judgment thereupon, within three terms next after such surrender and due notice thereof, if by the course of this court the plaintiff can so proceed, of which three terms the term wherein such surrender shall be made shall be taken to be one, the prisoner shall be discharged

Prisoner
how to be
proceeded
against after
declaration
delivered
and
when super-
seadeable.

out of custody by writ of supersedeas, to be granted as aforesaid, upon filing common bail ; unless, upon notice given to the plaintiff's attorney, good cause shall be shewn to the contrary : and in all cases after such trial shall be had, or final judgment obtained against any prisoner in the custody of the marshal, or in any other gaol or prison, unless the plaintiff shall cause such prisoner to be charged in execution within two terms next after such trial shall be had or final judgment obtained, of which two terms the term in which such trial shall be had or final judgment shall be obtained shall be taken to be one, in case no writ of error shall be depending nor injunction be obtained for stay of proceedings ; and if any writ of error shall be depending or injunction obtained, then within two terms next after judgment shall be affirmed the writ of error be nonprossed or discontinued, or the injunction dissolved, including the term in which such affirmance of judgment nonpross or discontinuance of the writ of error or dissolution of the injunction shall be obtained, or in case of a surrender in discharge of bail after trial had or final judgment obtained, unless the plaintiff shall cause the defendant to be charged in execution within two terms next after such surrender and due notice

thereof, of which two terms the term wherein such surrender shall be made shall be taken to be one, in case no writ of error shall be depending or injunction obtained for stay of proceedings, and if any writ of error shall be depending or injunction obtained, then within two terms next after judgment shall be affirmed, the writ of error be nonprossed or discontinued, or the injunction dissolved, including the term in which such affirmation of judgment nonpross or discontinuance of writ of error or dissolution of injunction shall be obtained, the prisoner shall be discharged out of custody by supersedeas, to be granted as aforesaid on filing common bail; unless, upon notice given to the plaintiff's attorney, good cause shall be shewn in either of these cases to the contrary:

And it is further Ordered, That in all cases where a prisoner shall be taken or charged in custody by any sheriff or other officer by mesne process of this court, and shall afterwards be removed by writ of *habeas corpus*, and committed thereupon by this court or any of the judges thereof, to the custody of the marshal, the time for the plaintiff's proceeding against such prisoner shall commence and be computed from the pri-

Prisoner removed by habeas corpus to custody of the marshal: from what time proceedings against him shall be computed.

soner's being first taken or detained or charged in custody by virtue of such process :

What form
of agreement
to prevent
supersedeas
shall be valid

And lastly it is Ordered, That no treaty or agreement shall be sufficient cause to prevent any defendant's having the benefit of a supersedeas for want of prosecution, unless the same be in writing signed by the defendant, or his attorney, or some person duly authorized by the defendant, and it be therein expressed, that proceedings are stayed at the defendant's request.

Easter Term. 28 Geo. III. 1788.

*Serjeants'
Inn Hall.*
For what
purposes the
Court of
King's Bench
sits there.

IT is Ordered, That the court do sit in Serjeant's Inn Hall in Chancery Lane, every morning during term, from half past eight o'clock till ten, for the purpose of taking justification of bail, and hearing motions of course, and discharging insolvent debtors : and that on Mondays, Fridays, and Saturdays, it do adjourn from Serjeants' Inn to Westminster Hall to transact the usual business ; except the justifying of bail and discharging insolvent debtors, which business is to be transacted at Serjeants' Inn Hall only.

And it is further Ordered, That the bail do attend before half past nine ; otherwise they will not be permitted to justify.

Easter Term. 30 Geo. III. 1790.

IT is Ordered, That from and after the last day of this term, where short notice of trial is to be accepted in country causes, such notice shall be given at least four days before the commission day, one day exclusive and the other inclusive.

Notice of Trial.
What is short notice in country causes.

Easter Term. 30 Geo. III. 1790.

IT is Ordered, That from and after the first day of Trinity term next, the rule made on Friday next after the octave of the purification of the Blessed Virgin Mary, in the sixth year of the reign of King George the First, and all other rules for establishing the rules of the King's Bench prison, shall be and the same are hereby repealed : And it is further Ordered, That from and after the said first day of Trinity term next, the rules of the King's Bench prison shall be comprised

King's Bench prison.
Limits of the Rules.

within the bounds following; exclusive of the public houses hereinafter mentioned; That is to say, from Great Cumber Court in the parish of Saint George the Martyr in the county of Surry, along the north side of Dirty Lane and Melancholy Walk, to Blackfriars Road, and along the western side of the said road to the Obelisk; and from thence along the south-west side of the London Road round the direction post in the centre of the roads, near the public house known by the sign of the Elephant and Castle; and from thence along the eastern side of Newington Causeway to Great Cumber Court aforesaid: And it is also Ordered, That the New Gaol Southwark, and the highway, exclusive of the houses on each side of it, leading from the King's Bench prison to the said New Gaol shall be within and part of the said rules: And it is lastly Ordered, That all taverns, victualling houses, alehouses, all wine vaults, and houses or places licenced to sell gin, or other spirituous liquors, shall be excluded out of and deemed no part of the said rules.

Easter Term. 30 Geo. III. 1790.

IT is Ordered, That from and after the first day of Trinity term next, no prisoner in the King's Bench prison, or within the rules thereof, shall have or be entitled to have day rules, above three days in each term: And it is further Ordered, That every such prisoner having a day rule, shall return within the walls or rules of the said prison, at or before nine o'clock in the evening of the day for which such rule shall be granted.

*King's
Bench prison
day rules.*

Easter Term. 30 Geo. III. 1790.

IT is Ordered, That from and after the essoyn day of the next Trinity term, the clerk of the bails of this court shall mark the bail pieces numerically as they are received.

*Bail pieces
to be mark-
ed numeri-
cally.*

Trinity Term. 30 Geo. III. 1790.

Writs
to be indor-
sed with the
day and hour
of filing.

IT is Ordered, That from and after the last day of this term, the custos brevium of this court shall indorse upon every writ, on what day and at what hour the same was filed.

Michaelmas Term. 31 Geo. III. 1790.

Ejectment.
Motions for
judgment to
be entered in
a book by
Clerk of the
Rules,
and
the party not
to proceed
thereon un-
less he take
away the rule
for judgment
within two
days after
term.

IT is Ordered, That the Clerk of the Rules of this court shall for the future keep a book, in which shall be entered all the rules which from time to time shall be delivered out in ejectments, (instead of the present book), containing a list of the ejectments moved; in which book shall be mentioned the number of the entry, the county in which the premises lie, the names of the nominal plaintiff, the first lessor of the plaintiff (with the words "and others" if there be more than one), and also the name of the casual ejector: And it is further Ordered, That unless the rule for judgment shall be drawn up and taken away from the Clerk of the Rules Office within two days after the end of the term in which the eject-

ment shall be moved, no rule shall be drawn up or entered in the book, nor shall any proceedings be had in such ejectment.

Michaelmas Term. 31 Geo. III. 1790.

IT is Ordered, That in case any defendant shall pay money into court under the usual rule, and the plaintiff shall be willing to accept thereof with costs; the said plaintiff's attorney do, upon an office copy of such rule, procure an appointment from the Master to tax such costs, and serve the same on the defendant's attorney; and that in default thereof, it be considered that the plaintiff intends to proceed in the action, to recover a larger sum than that paid into court.

Money into court.

Plaintiff accepting it, to take out appointment for taxing costs upon copy of the rule.

Easter Term. 31 Geo. III. 1791.

IT is Ordered, That from and after the last day of Trinity term next, where any affidavit is taken by any commissioner of this court, made by any person who from his or her signature appears to be illiterate; the commissioner taking such affidavit

Affidavits of illiterate persons how to be taken by commissioners.

shall certify, or state in the jurat, that the affidavit was read in his presence to the party making the same; and that such party seemed perfectly to understand the same; and also that the said party wrote his or her signature in the presence of the commissioner taking the said affidavit.

Trinity Term. 31 Geo. III. 1791.

Sheriff
though out
of office may
be called up-
on by rule to
bring in the
body.

It is Ordered, That from and after the last day of this term, where any sheriff before his going out of office shall arrest any defendant, and a cepi corpus shall afterwards be returned, he shall and may within the time allowed by law, be called upon to bring in the body, by a rule for that purpose; notwithstanding he may be out of office before such rule shall be granted.

Trinity Term. 31 Geo. III. 1791.

Attornies.
No attorney
being clerk
to another
shall have an
articled clerk.

It is Ordered, That from and after the last day of Michaelmas term next ensuing, no attorney who shall be retained or employed as a writer or clerk by any other attorney, shall during the time of

such employ take or have any clerk under articles; and that no service to any such attorney under articles, during the time that such attorney shall be so employed by any other attorney, shall be deemed good service:

And it is further Ordered, That from and after the same last day of Michaelmas term, no person who shall enter into articles with an attorney or attornies, shall be at liberty to serve the agent or agents of such attorney or attornies, under such articles, for a longer time than one year of his clerkship; and that any such service to an agent or agents beyond that time shall not be deemed good service.

No articled clerk to serve an agent above one year.

And to the intent that better information may be obtained touching the fitness and qualifications of persons applying to be admitted attornies; It is further Ordered, That from and after the same last day of Michaelmas term, every person who shall intend to apply for admission as an attorney in this court, and who shall not have been admitted an attorney or solicitor of any other court, shall for the space of one full term, previous to the term in which such person shall apply

Names and places of abode of every articled clerk and of his master to be fixed up in the King's Bench Office, &c. before such clerk can be admitted an attorney.

to be admitted, cause his name and place of abode, and also the name or names and place or places of abode of the attorney or attornies to whom he shall have been articulated, written in legible characters, to be affixed on the outside of the Court of King's Bench; in such place as public notices are usually affixed; and also in some conspicuous place in the chambers of each of the Judges of this court, and in the King's Bench Office: and that no person who shall not have regularly complied with this order shall in future be admitted an attorney of this court.

Michaelmas Term. 32 Geo. III. 1791.

Sheriff
to return
writs on the
day when the
rule for re-
turning them
expires.

It is Ordered, That in future all writs shall be returned by the sheriff, on the day on which the rule for returning the same shall expire; and in default thereof the plaintiff shall be at liberty to move for an attachment on the next day.

Hilary Term. 32 Geo. III. 1792.

Master
to be attend-
ed on the first
appointment.

It is Ordered, That from and after the first day of next Easter term, on every appointment to be

made by the Master, the party on whom the same shall be served, shall attend such appointment; without waiting for a second; or in default thereof the Master shall proceed *ex parte* on the first appointment.

Hilary Term. 32 Geo. III. 1792.

“WHEREAS, by an order made in Hilary term, *Circuits.*
 “in the fourteenth year of the reign of his late Ma- *Writs and re-*
 “jesty King George the Second, by all the Judges *records of nisi*
 “of England, for preventing inconveniences to *prius for Nor-*
 “sutors,” it was Ordered, amongst other things, *folk and Nor-*
wich when to
be entered.
 That no writ and record of nisi prius should be received at any assizes in any county in England, unless they should be delivered to, and entered with, the marshal, before the first sitting of the court after the commission day, except in the counties of York and Norfolk; and there the writs and records should be delivered to, and entered with, the marshal, before the first sitting of the court on the second day after the commission day:

“And whereas many inconveniences do happen
 “to the suitors, and to the sheriff and jurymen,
 “and to the public business of the assizes in the

“ county of Norfolk, from the delay in entering
 “ the writs and records for trial of the causes;
 “ now to prevent such inconveniences for the fu-
 “ ture;”

It is Ordered, by all the Judges of Eng-
 land, That no writ or record of nisi prius shall be
 received at the assizes in and for the county of
 Norfolk, or city of Norwich, unless such writ and
 record shall be delivered to, and entered with, the
 marshal, before the first sitting of the court on the
 day next after the commission day.

<i>Kenyon.</i>	<i>R. Perryn.</i>
<i>Loughborough.</i>	<i>F. Buller.</i>
<i>J. Eyre.</i>	<i>J. Heath.</i>
<i>H. Gould.</i>	<i>J. Wilson.</i>
<i>W. H. Asburst.</i>	<i>N. Grose.</i>
<i>B. Hotbam.</i>	<i>A. Thomson.</i>

Easter Term. 33 Geo. III. 1793.

Remanets.
 Writs of dis-
 stringas and
 records to be
 resealed.

IT is Ordered, That the writs of distringas, and
 the records in causes, which stand over from one
 sitting to another, be regularly resealed, previous
 to the sitting to which they stand over; or in de-
 fault thereof the causes be not tried.

Easter Term. 33 Geo. III. 1793.

WHEREAS inconveniences have arisen from the mode heretofore practised of granting rules to compound, whereby the defendant hath often evaded or delayed to pay the composition money ;

*Compound-
ing actions
by
undertaking
to pay the
composition
money.*

It is therefore Ordered, That in future every rule to be drawn up for compounding any quita action do express therein, that the defendant doth thereby undertake to pay the sum, for which the court has given him leave to compound such action.

Trinity Term. 33 Geo. III. 1793.

WHEREAS, by the present practice of this court, the bail put in for the defendant in any action cannot render such defendant, after a rule has been granted against the sheriff to bring in the body, before such bail have justified themselves in open court ;

*Bail
may render
principal
pending rule
to bring in
the body
without
justifying.*

It is Ordered, That from and after the last day of this term, bail shall and may be at liberty to render the defendant, notwithstanding such rule,

at any time before the expiration thereof; the attorney for the defendant giving notice of such render to the plaintiff's attorney without delay, and making affidavit thereof.

Trinity Term. 33 Geo. III. 1793.

Attornies.
Names, and
places of a-
bode of every
articled clerk
and of his
master to be
entered in a
book at Jud-
ges' chambers
before
such clerk
can be ad-
mitted an at-
torney.

WHEREAS, by a rule made by this court in Trinity term, in the thirty-first year of his present Majesty, it was Ordered, (amongst other things) That every person who should after the then next Michaelmas term intend to apply for admission as an attorney in this court, should for the space of one full term previous to the term in which such person should apply to be admitted, cause his name and place of abode, and also the name or names and place or places of abode of the attorney or attornies to whom he should have been articled, written in legible characters, to be affixed on the outside of the Court of King's Bench, and also in some conspicuous place in the chambers of each of the Judges of this court, and in the King's Bench Office; and that no person who should not have complied with this order should in future be admitted an attorney of this court:

And whereas inconveniences have arisen by the above practice ; To remedy the same ;

It is hereby Ordered, That every person who shall, after the expiration of this term, intend to apply as above stated, shall comply with the above in part recited rule ; except as to fixing up his name and place of abode in the Judges' chambers ; and shall instead thereof for the space of one full term, previous to the term in which such person shall apply to be admitted, enter or cause to be entered in a book to be kept for that purpose at each of the Judges' chambers of this court, his name and place of abode, and also the name and place of abode of the attorney or attornies to whom he shall have been articulated ; and that no person who shall not have complied with this rule shall in future be admitted an attorney.

Michaelmas Term. 34 Geo. III. 1793.

It is Ordered, That from and after the last day of this present Michaelmas term 1793, the Seal Office be open in the forenoon, from eleven till one o'clock ; instead of from ten to twelve o'clock.

Seal Office.
At what
hours open.

Hilary Term. 34 Geo. III. 1794.

Sittings.
Time for entering causes in London and Middlesex.

IT is Ordered, That in future all causes to be tried at the sittings after term, shall be entered, and the records delivered to the marshal, at the times following; viz. the causes in Middlesex, the first day of the sitting after term in Middlesex; and the causes for London, two days before the adjournment day in London.

Hilary Term. 35 Geo. III. 1795.

Issue money.
Judgment not to be signed for non-payment thereof

IT is Ordered, That after the first day of the next term, no judgment shall be signed for non-payment of issue money: but that the issue money shall remain to be taxed as part of the costs in the cause.

Easter Term. 35 Geo. III. 1795.

King's Bench prison.
Limits of the Rules.

UPON reading a petition signed by several of the prisoners confined for debt in the King's Bench prison; and upon hearing the report of the

coroner and attorney of this court respecting the said prison and the rules thereof;

It is Ordered, That from and after the first day of Trinity term next, so much of the rule made on Friday next after fifteen days of Easter, in the thirtieth year of his present Majesty's reign as establishes the rules of the said prison, be, and the same is hereby repealed :

And it is further Ordered, That from and after the said first day of Trinity term next, the rules of the King's Bench prison shall be comprised within the bounds following; exclusive of the public houses hereinafter mentioned; that is to say, from Great Cumber Court in the parish of Saint George the Martyr in the county of Surry, along the north side of Great Suffolk Street, as far as the Star brewhouse; and from thence along the north-west side of Gilbert's Lane to the Blackfriars Road, and across the said Road along the north-west side of Webber Street, to the Halfway House; and from thence along the western side of Barron's Buildings and Saint George's Row, to the Westminster Road; and then across the said road, and along the western side of Saint

George's Mall, and from the pastry cook's at the west end thereof, directly across to the lamp-post on the footpath near the watch-house facing the Dog and Duck, and along the said footpath from the said lamp-post, to another lamp-post on the eastern side of the said Road facing Keys's Nursery; and then along the whole of the said Road leading by Prospect Place to the Elephant and Castle; and from thence along the eastern side of Newington Causeway to Great Cumber Court aforesaid :

And it is also Ordered, That the House of Correction for the county of Surry, the New Gaol Southwark, and the Gaol now building for the county of Surry, and the highways (exclusive of the houses on each side thereof) leading from the King's Bench prison to the said gaols respectively, shall be within and part of the said rules :

And it is lastly Ordered, That all taverns, victualling houses, alehouses, wine vaults, houses or places licenced to sell gin or other spirituous liquors, and all places licenced for public entertainments, shall be excluded out of and deemed no part of the said rules.

Trinity Term. 35 Geo. III. 1795.

WHEREAS the present Trinity term will not end until Thursday the twenty-fifth of June instant ;

Trinity term writs, made returnable the day after 24th of June, and sittings postponed accordingly.

It is Ordered, That the sittings for trial of causes at nisi prius do commence in Middlesex on Friday the twenty-sixth instant, and in London on Saturday the twenty-seventh instant; instead of the days already appointed: and that writs issued out of this court may be made returnable on Thursday next, after three weeks of the Holy Trinity.

Trinity Term. 35 Geo. III. 1795.

WHEREAS, it has heretofore been thought necessary, that, when a summons is obtained from a Judge of this court, either party should attend one whole hour from the time of the return of such summons, though the opposite party does not attend to proceed thereon; which practice has been found inconvenient;

Judge's Summons. Half an hour's attendance upon it sufficient.

It is hereby Ordered, That from and after the last day of this term, an attendance on any Judge's summons for half an hour next immediately following the return thereof, shall be deemed a sufficient attendance, and as effectual as an hour's attendance on any such summons has heretofore been.

Trinity Term. 35 Geo. III. 1795.

*Serjeants'
Inn Hall.*
The business
of the Court
of King's
Bench car-
ried back
from thence
to West-
minster Hall

It is Ordered, That the sittings of the Court of King's Bench in Serjeants' Inn Hall in Chancery Lane, from and after the last day of this term be discontinued :

And it is further Ordered, That all the business heretofore transacted at Serjeants' Inn Hall, be done in the Court of King's Bench at Westminster Hall; where one of the Judges of the court will sit during term time, every morning at half past nine of the clock, for the purpose of taking the justification of bail, and discharging insolvent debtors, &c. and that no bail be permitted to justify after ten of the clock.



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